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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,516	09/22/2000	Stephen Gold	30003758 US	9856

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EXAMINER

NAHAR, QAMRUN

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 04/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,516

Applicant(s)

GOLD, STEPHEN



Examiner

Qamrun Nahar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the preliminary amendment filed on January 2, 2001.
2. Claim 6 has been amended.
3. Claims 1-20 are pending and have been examined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheston (U.S. 6,195,695) in view of Bearden (U.S. 6,490,723).

Per Claim 1:

Cheston teaches a method of manufacture of an operating system master template for installing at least one operating system onto a computer entity ("The present system and method are characterized by a plurality of partitioned storage areas (preferably regions on the hard drive) on the personal computer, with each including a copy of the executable application and operating system copied at the time of initial loading of the application" in column 2, lines 17-24 and lines 31-36), building a primary operating system on a first partition of a data storage device; and building a secondary operating system on a second partition of said data storage device ("One of the copies of the executable application and operating system then becomes a "working" copy of

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the application ... and a second copy becomes a “back-up” (or archive) copy (which is not used normally, but becomes visible and used only after the working copy becomes corrupted and crashes) ... Another advantage of the present invention is that a stored backup copy can be updated periodically, if desired, and that updating may occur either from the server (in case the executable application needs to be updated for revisions to the executable application)” in column 2, lines 37-44; and column 2, lines 62-67 to column 3, lines 1-18). Cheston does not explicitly teach building an installation component on a third partition of said data storage device. Bearden teaches building an installation component on a partition of said data storage device (“Accordingly, in response to (and in accordance with) the .MSI file, computer 204 installs the .MSI file’s respectively associated software application onto the target partition.” in column 5, lines 60-62).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Cheston to include an installation component on a partition of said data storage device using the teaching of Bearden. The modification would be obvious because one of ordinary skill in the art would be motivated to utilize the installation component for instructions to install associated application properly onto the system.

Per Claim 2:

The rejection of claim 1 is incorporated, and Bearden further teaches that the installation comprises a database installation sub-components configured for installation of a database onto a said computer entity (column 5, lines 55-67 to column 6, lines 1-32).

Per Claim 3:

The rejection of claim 1 is incorporated, and Cheston further teaches a back-up application sub-component for installation of a back-up application onto a said computer entity (column 2, lines 62-66 and column 6, lines 1-8).

Per Claim 15:

This is another version of the claimed method discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including “loading said master template data into a mastering computer entity to create an image of said master template data on said mastering computer entity” and “replicating said master disk image data by loading said master disk image data from said mastering computer entity onto said production computer entity” (Cheston, column 4, lines 10-17 and lines 50-67). Thus, accordingly, this claim is also obvious.

Per Claim 17:

This is another version of the claimed method discussed above, claim 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 18:

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This is another version of the claimed method discussed above, claim 2, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 19:

The rejection of claim 15 is incorporated, and Bearden further teaches that the installation component is installed on a third partition of said production computer entity (column 5, lines 60-62).

Per Claim 20:

The rejection of claim 15 is incorporated, and Cheston further teaches creating a plurality of partitions on a data storage device of said production computer entity (column 4, lines 10-14).

6. Claims 4-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheston (U.S. 6,195,695) in view of Bearden (U.S. 6,490,723), and further in view of Doran, Jr. (U.S. 6,385,766).

Per Claim 4:

The rejection of claim 1 is incorporated, and the combination of Cheston and Bearden further teaches the set up of said primary operating system (Cheston, column 2, lines 37-44; and column 2, lines 62-67 to column 3, lines 1-18), the installation component comprises a plurality of set up data files and a set up data file installation component for installing said set up data files

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to a computer entity (Bearden, column 5, lines 60-67 to column 6, lines 1-32; and column 6, lines 52-56). The combination of Cheston and Bearden does not explicitly teach deletion of said set up data files after a successful set up. Doran, Jr. teaches deletion of said set up data files after a successful set up (column 16, lines 1-6).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by the combination of Cheston and Bearden to include the deletion of said set up data files after a successful set up using the teaching of Doran, Jr. The modification would be obvious because one of ordinary skill in the art would be motivated to save space by deleting the installation component after a successful installation.

Per Claim 5:

The rejection of claim 1 is incorporated, and the combination of Cheston and Bearden further teaches the set up of said secondary operating system (Cheston, column 2, lines 37-44; and column 2, lines 62-67 to column 3, lines 1-18), the installation component comprises a plurality of set up data files and a set up data file installation component for installing said set up data files to a computer entity (Bearden, column 5, lines 60-67 to column 6, lines 1-32; and column 6, lines 52-56). The combination of Cheston and Bearden does not explicitly teach deletion of said set up data files after a successful set up. Doran, Jr. teaches deletion of said set up data files after a successful set up (column 16, lines 1-6).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by the combination of Cheston and

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Bearden to include the deletion of said set up data files after a successful set up using the teaching of Doran, Jr. The modification would be obvious because one of ordinary skill in the art would be motivated to save space by deleting the installation component after a successful installation.

Per Claim 6:

This is another version of the claimed method discussed above (claims 1, 4, and 5), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 7:

The rejection of claim 6 is incorporated, and Bearden further teaches running a program to set up a license key data on a further partition of said data storage device (column 5, lines 60-67 to column 6, lines 1-42).

Per Claim 8:

The rejection of claim 6 is incorporated, and the combination of Cheston, Bearden, and Doran, Jr. further teaches that the third partition onto which said installation component is installed comprises a reserved space partition (Bearden, column 6, lines 1-6), which is separate from said first and second partitions on which said primary and secondary operating systems are installed (Cheston, column 2, lines 37-44; and column 2, lines 62-67 to column 3, lines 1-18).

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Per Claim 9:

The rejection of claim 6 is incorporated, and Bearden further teaches that the step of installing an installation component comprises installing a data base installation component for installing a data base onto said computer entity (column 5, lines 55-67 to column 6, lines 1-32).

Per Claim 10:

The rejection of claim 6 is incorporated, and Doran, Jr. further teaches that the step of deleting said installation component comprises deleting a database installation component after a successful installation of a database on said computer entity (column 16, lines 1-21).

Per Claim 11:

The rejection of claim 6 is incorporated, and Cheston further teaches that the step of installing a said installation component comprises installing a back-up program installation component for installing a back-up program on said computer entity (column 2, lines 62-66 and column 6, lines 1-8).

Per Claim 12:

This is another version of the claimed method discussed above, claim 5, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 13:

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The rejection of claim 6 is incorporated, and Cheston further teaches creating a system identification data on said data storage device, which uniquely identifies a relationship between a said operating system with said computer entity (column 5, lines 29-37).

Per Claim 14:

This is a computer entity product version of the claimed method discussed above, claim 6, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 16:

This is another version of the claimed method discussed above, (claims 4 and 5), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

QN
April 2, 2003

Kakali Chaki
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